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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,513	02/12/2002	Kevin Packingham	1756	6715
28005	7590	03/27/2006	EXAMINER	
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OVERLAND PARK, KS 66251-2100			2614	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,513

Applicant(s)

PACKINGHAM ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Fortman et al. (US 5,987,100).

Regarding **claim(s) 1**, Fortman discloses a method of multi-modal content delivery (FIG. 2 and column 1, lines 4-11), the method comprising:

establishing a session between a server and a client device (column 6, lines 60-67);

while in a state of the session, delivering content in a first presentation mode format, to the client device, the content being associated with the state (column 7, lines 5-19);

storing a state record associated with the client device, the state record defining the state of the session (column 7, lines 5-19);

receiving a mode-switching signal from the client device (column 7, lines 41-52);
and

in response to the mode-switching signal, continuing the session in the state by delivering the content in a second presentation mode format, to the client device, wherein the second presentation mode format is different from the first presentation mode format (column 7, line 65 to column 8 line 5).

Regarding **claim(s) 2**, Fortman discloses a method, wherein the first presentation mode format is a voice-based format (column 7, lines 5-19).

Regarding **claim(s) 3**, Fortman discloses a method, wherein the second presentation mode format is a screen-based format (column 8, lines 63-67).

Regarding **claim(s) 4**, Fortman discloses a method, wherein the first presentation mode format is a screen-based format (column 8, lines 63-67).

Regarding **claim(s) 5**, Fortman discloses a method, wherein the second presentation mode format is a voice-based format (column 7, lines 5-19).

Regarding **claim(s) 6**, Fortman discloses a method, wherein delivering the content, in the first presentation mode format to the client device comprises: receiving content in an original format from the server (column 7, lines 52-64);

transcoding the content in the original format to provide the content in the first presentation mode format (column 7, lines 52-64); and

transmitting the content in the first presentation mode format, over an air interface to the client device (column 8, lines 1-5).

Regarding **claim(s) 7**, Fortman discloses a method, wherein delivering the content, in the second presentation mode format to the client device comprises:

receiving content from the server in an original format (column 7, lines 52-64);

transcoding the content in the original format to provide the content in the second presentation mode format (column 7, lines 52-64); and

transmitting the content in the second presentation mode format, over an air interface to the client device (column 8, lines 1-5).

Regarding **claim(s) 8**, Fortman discloses a method, wherein the state record identifies the state of the session by identifying a navigation point, the navigation point resource available from the server (column 8, lines 1-5).

Regarding **claim(s) 9**, Fortman discloses a method, wherein the navigation point is defined by identifying a specific a uniform resource identifier (column 7, lines 5-19).

Regarding **claim(s) 10**, Fortman discloses a method, wherein the state record includes a cache of content associated with the state, and wherein, continuing the

session in the state further comprises transmitting the cache of content to the client device (column 7, lines 53-64).

Regarding **claim(s) 11**, Fortman discloses a method, further comprising: the client device transmitting the mode-switching signal over an air interface (column 8, lines 62-67).

Regarding **claim(s) 12**, Fortman discloses a method, wherein the mode-switching signal includes a service request, the service request identifying the client device and the second presentation mode format (column 7, lines 5-19).

Regarding **claim(s) 13**, Fortman discloses a method, further comprising: in response to the service request, determining whether the client device is authorized to receive content formatted for the second presentation mode format (column 7, lines 52-64).

Regarding **claim(s) 14**, Fortman discloses a method, further comprising: in response to the service request, locating the state record associated with the client device (column 7, lines 52-64).

Response to Arguments


4. Applicant's arguments with respect to **claim(s) 1-14** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

gg
March 20, 2006